

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

City of Chicago, City and County of Denver,
and Pima County,

Plaintiffs,

v.

United States Department of Homeland Security;
Kristi Noem, in her official capacity as Secretary of
the United States Department of Homeland Security;
United States Federal Emergency Management
Agency; and David Richardson, in his official
capacity as Acting Administrator of the United
States Federal Emergency Management Agency,

Defendants.

Case No.: 1:25-cv-05463

Hon. Matthew F. Kennelly

DECLARATION OF MARY COMANS

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I, Mary Comans, pursuant to 28 U.S.C. § 1746, declare that the following statements are true and correct to the best of my knowledge and belief:

1. From March 2017 until February 2025, I served as the Chief Financial Officer for the Federal Emergency Management Agency (“FEMA”). I have been a member of the Senior Executive Service for nearly a decade. From January 20 – 26, 2025, I served as the Senior Official Performing the Duties of FEMA Deputy Administrator. I previously served in numerous positions across the Department of Homeland Security (“DHS”).

2. I participated in a meeting on February 5, 2025, with leadership of FEMA and DHS, as well as several DOGE personnel. The DOGE personnel explained that they wanted to ensure that FEMA was not sending money to non-governmental organizations (“NGOs”) that aided undocumented immigrants through the “Shelter and Services Program” grant that FEMA administers for U.S. Custom and Border Protection.

3. During that meeting, DOGE team member Brad Smith asked FEMA’s leadership team whether payments had been stopped to NGOs and a FEMA representative confirmed that they had been.

4. Mr. Smith then asked whether payments to state and local governments had been stopped. The FEMA representative assured Mr. Smith that they had not been stopped. Wagging his finger for emphasis, Mr. Smith affirmed, “that’s the right answer.”

5. As I understand it, on Sunday, February 9, 2025, around 5:00 PM, a DOGE team member embedded at the Treasury Department flagged that FEMA had recently paid New York City tens of millions of dollars. This payment was under the Shelter and Service Program to reimburse New York City for eligible expenses incurred for the care and sheltering services the

City had provided to migrants following their release from DHS custody. I spent the entire evening analyzing the amount of funds paid and in what manner. I was also directed by DHS Deputy Chief of Staff Troup Hemenway to grant Mr. Schutt, a DOGE representative, full system access to FEMA's financial system, and I directed my team to do so.

6. I became aware that Elon Musk posted on X (formerly Twitter) at 4:03AM on February 10, 2025, that "The @DOGE team just discovered that FEMA sent \$59M LAST WEEK to luxury hotels in New York City to house illegal migrants. Sending this money violated the law and is in gross insubordination to the President's executive order. That money is meant for American disaster relief and instead is being spent on high end hotels for illegals! A clawback demand will be made today to recoup those funds."¹

7. I spent Monday, February 10, 2025, recouping the funds from New York City, which ultimately totaled \$80 million dollars, as well as recouping an additional \$2 million payment to the State of Colorado that I discovered had also been made under the SSP program. On Monday, February 10, 2025, at 3:45PM, FEMA's Acting Administrator sent an email to DHS confirming that the process to claw back funding was occurring. At 5:29PM, I reported to my leadership that I had successfully coordinated with Treasury and the funds were being returned.

8. Also on Monday, February 10, 2025, I reported to my leadership that to prevent FEMA from making payments to any recipient of the Shelter and Services Program until the Agency received further guidance, I directed my team to manually de-obligate all Shelter and Services Program funds in FEMA's financial system, and my team did so.

9. On Tuesday, February 11, 2025, I was terminated from federal employment.

¹ Elon Musk (@elonmusk), X (Feb. 10, 2025, 4:03 AM), <https://x.com/elonmusk/status/1888891512303263815>.

Mary F. Comans